

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 9, 2009

Present: Ald. Linsky (Chair), Danberg, Swiston, Ciccone, Vance, Harney and Fischman
Absent: Ald. Coletti
Also Present: Ald. Brandel, Sangiolo and Mansfield
City Staff: Clint Schuckel (Traffic Engineer) and Jim Danila (Transportation Engineer)
Others Present: Scott Kinter, VP Construction, Avalon Bay and Alan Schlesinger, Counsel
Avalon Bay

#261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms.
[08/19/09 @ 9:53 AM]

ACTION: **HELD 7-0 (Ald. Coletti not present and voting)**

NOTE: Ald. Johnson requested the matter be held; therefore, Ald. Fischman made the motion to hold this item and the Committee voted in favor by a vote of 7-0.

#234-09 ALD. FREEDMAN on behalf of Paul Rubin requesting consideration of additional on-street handicap parking spaces in village centers particularly Newton Centre. [02/11/09 @ 8:52 AM]

ACTION: **HELD 7-0 (Ald. Coletti not present and voting)**

NOTE: Ald. Freedman requested the matter be held as he and Mr. Rubin were not available to attend tonight. Therefore, Ald. Danberg made the motion to hold this item, and the Committee voted in favor by a vote of 7-0.

Ald. Fischman asked if this item was a site-specific area or general areas in Newton Centre. Ald. Danberg indicated she would speak with Ald. Freedman and Mr. Rubin for clarification.

Committee Clerk's Note: Committee Clerk received an e-mail from Bev Droz, Director Human Services indicating she would submit this request to the Mayor's Committee for People with Disabilities at their September 14, 2009 meeting.

#263-09 ALD. BRANDEL & LINSKY requesting a discussion with the city traffic engineer and a representative of the management of the Avalon Bay apartment complex relative to the status of the traffic signal on Needham Street, including funding, application, the approval process, and an anticipated date for installation.
[08/10/09 @ 8:34 AM]

ACTION: **HELD 7-0 (Ald. Coletti not present and voting)**

NOTE: Ald. Brandel, Clint Schuckel (Traffic Engineer), Scott Kinter (VP Avalon Bay) and Alan Schlesinger (Counsel Avalon Bay) joined the Committee for discussion on this item.

Ald. Brandel stated the plan is to have a traffic signal installed on Needham Street in front of the Avalon Bay apartment complex. Since then, residents of Avalon Bay asked Ald. Brandel to inquire on the status of this project being completed. Residents were under the impression when moving into this complex that a traffic signal would be in place to allow them to safely cross Needham Street allowing easy access to the area's stores. The traffic signal has been held up for procedural reasons; it is a very complex process. Ald. Brandel has been discussing this with representatives of Avalon Bay and with Mr. Schuckel on when this project will begin.

Ald. Brandel docketed this item to ask the following questions: 1) provide context as to why this project has not begun and why it is taking so long. 2) how much longer will it take to begin the project. 3) what is the next process that has to be taken to begin this process. 4) what should be the expectations to the community. 5) is there an anticipated date for the project to begin to install the traffic signal, which will be completely funded by Avalon Bay.

Clint Schuckel, Traffic Engineer stated there are several reasons why this project has not begun. The developer is required to have \$150,000.00 in escrow to install a 4-way traffic signal at the intersection of Needham Street and Columbia Avenue. The signal will control entry and exit from Avalon Bay, and will respond to motion sensors at the complex's entrance and Columbia Avenue. He stated the City is also responsible for delays. In the past two years the Law Department for various reasons was not in agreement with the highway department, and the developer. This created a unique agreement for this item. Mr. Schuckel indicated he has spoken with Mass Highway representatives who would issue the permits and was informed the following would have to be issued for the project. 1) Access permit, which is issued by the district to Avalon Bay for a driveway that has been in existence for seven years. 2) Signal permit issued by Boston headquarters of Mass Highways to construct a traffic signal on a state road. Mr. Schuckel has been informed both of these permits should be executed by the end of September 2009. The City does not have any authority to oversee the developer's project since it is a state road.

Alan Schlesinger, Counsel Avalon Bay stated the access permit was received on September 8, 2009. He is waiting for clarification if the signal permit will be issued, it may not be necessary under the new regulations. Mr. Schlesinger indicated the job is currently being bid on and the project is expected to begin before the winter season and may not be completed until next spring. He also made the suggestion to Committee members that he would return to the Committee in a few months to provide them with an update. Ald. Swiston asked if any issues arise that he notify the Committee to avoid further delays. Scott Kinter, VP Construction Avalon Bay provided Committee members with an overview of the project. He stated two intersections are involved in this project. The scope of the project is more than \$150,000.00 with Avalon Bay picking up any additional costs. The project is being bid on by three companies, receiving two bids back. He is expecting the third bid the week of September 14, 2009. Some paving, patching, curb cutting and striping work will be completed. The majority of the work will be constructing the mass armed foundations.

Ald. Fischman asked if the location on Winchester Street and the proposed traffic signal at Avalon Bay would pose issues and asked for clarification if this was a pedestrian, car or both activated signal light. Ald. Fischman suggested synchronizing these two areas. Mr. Schuckel indicated the controls would be for both.

Ald. Brandel asked Mr. Kinter to provide a project synopsis so that Committee members could better understand the project. Ald. Fischman asked for a caricature of crosswalk be provided. Ald. Danberg asked if there was a current crosswalk on the opposite side of Needham Street. Mr. Schlesinger stated the traffic signal would also be installed on the opposite side causing some alterations to the curb.

Ald. Harney made the motion to hold this item and the Committee voted in favor by a vote of 7-0.

REFERRED TO PS&T COMMITTEE by TRAFFIC COUNCIL on 10/23/08

#235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on
TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott and
Lexington Streets be moved to a different location or removed altogether. (Ward
4)

ACTION: **HELD 6-0 (Ald. Fischman not voting, Ald. Coletti not present and voting)**

NOTE: Ald. Sangiolo, David Koses (Transportation Planner) and Clint Schuckel (Traffic Engineer) joined the Committee for discussion on this item.

Ald. Sangiolo stated the resolution made in Traffic Council was to put a traffic study together for the Lexington Street corridor. She indicated the problem arose with the scope of the traffic study because Lexington Street has problems from the Waltham line to Grove Street in Newton. She indicated the money for this project would be from the Riverside Mitigation Fund. One of the issues to address is whether the current light is appropriately placed, shall it be moved to a different location or removed altogether. She indicated there have been a number of traffic accidents reported at the intersection of Lexington Street and Commonwealth Avenue. The residents have issues when looking at the light at Wolcott Street as opposed to the light that is at Lexington Street and Commonwealth Avenue. She stated a request for a traffic signal filter was made. She asked where does that request stand. Ald. Sangiolo suggested an overhang traffic signal so that it is more in the center of the street. Another factor is the ten units of affordable housing on Lexington Street (near the Burr school) which will be considered by the Finance Committee.

David Koses, Transportation Planner stated he had numerous meetings with staff and aldermanic committees. The largest task was an in-depth examination of Lexington Street between Commonwealth Avenue and Auburndale Avenue collecting data. This includes the recommended locations for the traffic signals. He said there is a draft that will have some adjustments and budget constraints. The budget suggested would be \$30,000.00 and what is needed is to see what can be removed from this draft scope.

Ald. Sangiolo said there has been a good deal of controversy regarding moving the light and that is why she would like to move forward with the study.

Mr. Schuckel said the Traffic Council was reluctant to do a trial. There had been a proposal to have the signal flash yellow for Lexington Street and red for Wolcott Street. A stop sign might not be a safe alternative so the Traffic Council did not go that route but did feel that there are possible grounds to do a more comprehensive study. Relocating a signal involves a large sum of money. The City did run an underground conduit from Wolcott Street up to Auburndale Avenue so that if the signal was moved, you could wire the signals together to be better coordinated. Mr. Schuckel said that every consultant would say that the overhead light fixtures would be the way to go. In his opinion, the question for the City is what is the priority based on available funds or not. Ald. Harney asked what the cost of filtering would be and Mr. Schuckel explained it would be approximately a couple of thousand dollars entailing replacement of the red, yellow, green signal head. They are built to adjust the angle that the light appears illuminated. A technician would have to go out in a bucket truck and a police detail would be needed.

Chairman Linsky said there would be a presentation at City Hall War Memorial given by a professor from Northeastern who has been looking at pedestrian enhancements along that corridor.

Ald. Sangiolo felt the filters being installed were positive. She said we are still waiting to see what will happen with the ten-unit development on Lexington Street. In her opinion, we need to know how much it would cost to upgrade the signal that would help Burr students get across Lexington Street. Ald. Sangiolo said that would be discussed and brought back to the Committee.

Chairman Linsky said this is a start and the item will be held. The vote was 6 in favor (Ald. Fischman not voting, Ald. Coletti not present and voting).

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b),
Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @
11:24 PM]

ACTION: **HELD 6-0 (Ald. Fischman not voting, Ald. Coletti not present and voting)**

NOTE: Ald. Sangiolo, Ald. Mansfield, David Koses (Transportation Planner) and Clint Schuckel (Traffic Engineer) joined the Committee for discussion on this item.

Mr. Schuckel was pleased to introduce the City's new Transportation Engineer Jim Danila, a Registered Engineer in the Commonwealth. After a long search process with twenty-six resumes and multiple interviews with Clint Schuckel, Sgt. Norcross, and Candace Havens, Jim Danila was our top candidate. Chairman Linsky was very happy to have someone of Mr. Danila's caliber joining the city staff. Mr. Schuckel felt the Highway Division of Public Works is much stronger with Nina Wang working there.

Ald. Mansfield stated this item originated in a discussion by the Public Facilities Committee regarding a request for traffic calming measures to be installed on a few streets in Lower Falls.

There was an analysis from a neighborhood group of various kinds of traffic calming devices including something that is akin to what we think of as speed humps but has a very specific design in terms of how it is raised and then leveling out and dropping back down. They appear to be something between a speed table and a speed hump. One of the issues that came up is speed humps could not be done because the ordinance prevents them. That ordinance was adopted as a reaction to speed humps that were put in on Clark Street and Tyler Terrace. They basically were badly designed and the Fire Department had problems with them. The Board was convinced to ban them forever in the City of Newton. Technology has progressed to a point where we were advised in Public Facilities that there are lots of cities around the country that are using these more modern versions of speed humps very successfully.

Ald. Mansfield and Ald. Sangiolo wanted a discussion regarding reasons banning speed humps. Ald. Sangiolo said the other alternatives that could be explored would be renaming the newer devices that are similar to speed humps. There is currently a working group comprised of Ald. Schnipper, Ald. Lennon, Ald. Danberg, Ald. Sangiolo, Clint Schuckel, and David Olson that are looking into what other communities are doing. Ald. Sangiolo felt this issue was worth looking into if it has worked in other communities.

Ald. Swiston asked Ald. Ciccone about newer versions. Ald. Ciccone said the Fire Department is strongly against them. Ald. Sangiolo noted that at the last meeting Chief LaCroix and Captain Mintz attended and said they would look into this issue.

Ald. Danberg said the problem the Fire Department has with speed bumps is that they have to come to a dead stop, not only once but with each axle. There is also with issue with the type of road. If it is a main artery that the fire trucks use all the time, then obviously this would not work but it could possibly work on the secondary roads. Ald. Danberg felt if it can work in other communities, perhaps it could work in Newton.

Clint Schuckel, Traffic Engineer, stated it does not make any sense to say you can't have speed humps anywhere but you can build raised intersections and crosswalks. Mr. Schuckel went on to say it was not necessary to prohibit one design feature and allow others. He does think it is necessary to have a defined set of criteria that states the conditions. He went on to say it is most like the resident parking ordinance. Newton has not done resident parking in the past six years but there is a very clear path where the restrictions state it must be a full block length and another restriction must be in place for one year. Mr. Schuckel sees the same thing for speed humps. Speed humps should have rules that are stringent but there are a few unique situations where as a last resort, they could work. He does not think that a design feature of the road should be regulated by law. The law should really focus on vertical deflections on the road. Arterial and collector streets should not be considered because they are on Fire Department response routes. Mr. Schuckel feels it does not make sense to legislate one of these things and allow others.

David Koses, Transportation Planner noted the Planning Department and Traffic Council both are in favor of rescinding the speed hump ordinance to just allow them where they make sense. Mr. Koses feels that the Tyler Terrace reconstruction seems very effective in reducing speed and making the whole neighborhood near Mason Rice School and playground safer. Traffic Council

held a Derby Street item for one year because it was thought the most effective solutions would be speed humps but we could not act on that.

Ald. Harney agreed with both Clint Schuckel and David Koses. Norm Seaman is involved in a Committee in Lower Falls has done a great deal of research and Ald. Harney feels some of these innovative ideas should be considered. In some places the only effective control would be a speed hump or something similar.

Ald. Swiston agreed with Clint Schuckel that this should not be an ordinance but a guideline of what we want to achieve. She also stressed the importance of dealing with public safety rules.

Ald. Danberg questioned how the Public Works Department deals with plowing. Mr. Schuckel said presently there are two raised crosswalks, two raised intersections in the City, and there have not been serious problems over the past few winters. Ald. Mansfield would like to see appropriate guidelines.

Mr. Schuckel said he felt it would be very possible that there would be some help an ordinance could provide in terms of limiting placement of a vertical deflection in the road as that would cover anything raised whether it is shaped like a hump or a crosswalk. It would then limit the location of where we can do that type of thing and maybe it does help provide some reassurance to the both the Fire and Police Departments that we are not going to start putting them in up and down Centre Street or Walnut Street because calls are received all the time from residents requesting them. There are requests on both ends; the busy arterial streets that would be appropriate and then there are the dead end streets. That kind of issue would have to be worked out with neighbors.

Chairman Linsky asked that whether in light of that suggestion there is interest in bringing back a draft that would replace the language in this section that might accomplish what is needed. Mr. Schuckel said that City Ordinance 26-51 defines which projects have to go to Public Facilities. (If the project costs over \$100,000.00 or includes the addition of a traffic island or deletion of turning lanes.) There are lots of projects like raised intersections and raised crosswalks that wouldn't technically have to go to Public Facilities so maybe better defining what type of work requires Board of Aldermen review is necessary. Now Daniel/Jackson is one example that required Board of Aldermen approval because it involved mitigation money being spent. A curb extension would not have to go to Public Facilities because there were no islands, no elimination of turning lanes, and the cost was less than \$100,000.00. Mr. Schuckel said some thought should be given to what situations you want the Board involved in.

Ald. Swiston would like to see a creation of (2) that correctly states what we want to happen. She is also in favor of rescinding 19-99 but not comfortable without putting something else in place. She does not want to rescind it and leave it open.

Ald. Harney does not feel sure that policy criteria belong in an ordinance. He said if it is rescinded, speed humps would become neutral. Ald. Mansfield said the speed hump ordinance was originally was left open to add additional streets. The reason it had to become an ordinance is because the Engineering Department, at that time, was in agreement with the Fire Department

opposed to speed humps and would not do anything unless an ordinance was passed to force them to do something. The Board originally passed the ordinance to force the Engineering Department to design and install them. The ordinance was then amended when the Fire Department objected to them. Ald. Mansfield agreed with Ald. Harney that an ordinance is not needed. Ald. Harney was not sure that a policy belongs in an ordinance. Mr. Schuckel said that maybe in some ways the ordinance would be reassuring to some board members that this would not mean the proliferation of speed humps everywhere. In some cases, policies can be modified, as that would be less rigid than city ordinance that would require a vote by the Board. He went on to say maybe the best thing would be to go over some language and then get reaction from the aldermen.

Ald. Danberg asked if the type of speed humps on Tyler Terrace and Clark Street were outdated. Mr. Schuckel responded that the biggest issue is cost. A speed hump on Tyler Terrace would have an estimated cost of \$7,500.00. Raised crosswalk costs would be closer to \$25,000.00 or \$30,000.00 because curbing work would need to be done as well as drainage. Ald. Danberg questioned the installation being left to the discretion of the Traffic Department and eliminate this ordinance.

Ald. Vance agreed with Ald. Harney that you don't want undue detail as to the implementation on how you carry out a program of this sort but felt it was worth looking out to see what you might want to build in as your limits. He said you want to authorize a broad range of alternatives and options. He felt it was important to at least a look to see if there is anything satisfactory that can go into an ordinance. In the past, there was adoption of a policy statement with respect to the use of various traffic calming devices along with a list of criteria that exists already. He said that we do not need to start with a blank slate. He also agreed with Chairman Linsky's suggestion that before we have a final vote, it would be better to be able to show that we considered the policy of something else as a replacement and then decide if there is a real useful and feasible replacement along the lines. Mr. Schuckel suggested or we conclude that there is nothing there that is appropriate for an ordinance and leave it to administrative implementation in accordance with policy development that this committee might be involved in.

Ald. Swiston said maybe it should not be an ordinance but feels there could be a resolution. Chairman Linsky said it could possibly be a resolution but it would need to be in place before asking for rescission.

Ald. Danberg said she would be happy to work with both Mr. Schuckel, Ald. Ciccone and Mr. Koses on coming up with a set of criteria and would support rescission of this ordinance.

Ald. Danberg made the motion to hold this item and the Committee voted in favor by a vote of 6-0 (Ald. Fischman not voting, Ald. Coletti not present and voting).

At approximately, 9:45 pm Ald. Ciccone moved for adjournment, which was approved 6-0 (Ald. Fischman not voting).

Respectfully Submitted,

Stephen M. Linsky, Chairman